

SENATE, No. 459

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator MICHAEL J. DOHERTY

District 23 (Hunterdon, Somerset and Warren)

Co-Sponsored by:

Senator Oroho

SYNOPSIS

Allows county sheriffs to issue firearms identification cards and permits to purchase handguns; authorizes county sheriffs to accept applications for permits to carry handguns.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 9/24/2020)

1 **AN ACT** concerning firearms identification cards and permits to
2 purchase and carry handguns and amending N.J.S.2C:58-3 and
3 N.J.S.2C:58-4.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. N.J.S.2C:58-3 is amended to read as follows:

9 2C:58-3. a. Permit to purchase a handgun. No person shall sell,
10 give, transfer, assign or otherwise dispose of, nor receive, purchase,
11 or otherwise acquire a handgun unless the purchaser, assignee,
12 donee, receiver or holder is licensed as a dealer under this chapter
13 or has first secured a permit to purchase a handgun as provided by
14 this section.

15 b. Firearms purchaser identification card. No person shall sell,
16 give, transfer, assign or otherwise dispose of nor receive, purchase
17 or otherwise acquire an antique cannon or a rifle or shotgun, other
18 than an antique rifle or shotgun, unless the purchaser, assignee,
19 donee, receiver or holder is licensed as a dealer under this chapter
20 or possesses a valid firearms purchaser identification card, and first
21 exhibits the card to the seller, donor, transferor or assignor, and
22 unless the purchaser, assignee, donee, receiver or holder signs a
23 written certification, on a form prescribed by the superintendent,
24 which shall indicate that he presently complies with the
25 requirements of subsection c. of this section and shall contain his
26 name, address and firearms purchaser identification card number or
27 dealer's registration number. The certification shall be retained by
28 the seller, as provided in paragraph (4) of subsection a. of
29 N.J.S.2C:58-2, or, in the case of a person who is not a dealer, it may
30 be filed with the chief of police of the municipality in which he
31 resides or with the superintendent.

32 c. Who may obtain. No person of good character and good
33 repute in the community in which he lives, and who is not subject to
34 any of the disabilities set forth in this section or other sections of
35 this chapter, shall be denied a permit to purchase a handgun or a
36 firearms purchaser identification card, except as hereinafter set
37 forth. No handgun purchase permit or firearms purchaser
38 identification card shall be issued:

39 (1) To any person who has been convicted of any crime, or a
40 disorderly persons offense involving an act of domestic violence as
41 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or
42 not armed with or possessing a weapon at the time of the offense;

43 (2) To any drug dependent person as defined in section 2 of
44 P.L.1970, c.226 (C.24:21-2), to any person who is confined for a
45 mental disorder to a hospital, mental institution or sanitarium, or to

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 any person who is presently an habitual drunkard;
- 2 (3) To any person who suffers from a physical defect or disease
3 which would make it unsafe for him to handle firearms, to any
4 person who has ever been confined for a mental disorder, or to any
5 alcoholic unless any of the foregoing persons produces a certificate
6 of a medical doctor or psychiatrist licensed in New Jersey, or other
7 satisfactory proof, that he is no longer suffering from that particular
8 disability in a manner that would interfere with or handicap him in
9 the handling of firearms; to any person who knowingly falsifies any
10 information on the application form for a handgun purchase permit
11 or firearms purchaser identification card;
- 12 (4) To any person under the age of 18 years for a firearms
13 purchaser identification card and to any person under the age of 21
14 years for a permit to purchase a handgun;
- 15 (5) To any person where the issuance would not be in the
16 interest of the public health, safety or welfare;
- 17 (6) To any person who is subject to a restraining order issued
18 pursuant to the "Prevention of Domestic Violence Act of 1991,"
19 P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from
20 possessing any firearm;
- 21 (7) To any person who as a juvenile was adjudicated delinquent
22 for an offense which, if committed by an adult, would constitute a
23 crime and the offense involved the unlawful use or possession of a
24 weapon, explosive or destructive device or is enumerated in
25 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2);
- 26 (8) To any person whose firearm is seized pursuant to the
27 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
28 (C.2C:25-17 et seq.) and whose firearm has not been returned; or
- 29 (9) To any person named on the consolidated Terrorist Watchlist
30 maintained by the Terrorist Screening Center administered by the
31 Federal Bureau of Investigation.
- 32 d. Issuance. The chief of police of an organized full-time
33 police department of the municipality **【where】 in which** the
34 applicant resides, the county sheriff of the county in which the
35 applicant resides or the superintendent, in all other cases, shall upon
36 application, issue to any person qualified under the provisions of
37 subsection c. of this section a permit to purchase a handgun or a
38 firearms purchaser identification card.
- 39 Any person aggrieved by the denial of a permit or identification
40 card may request a hearing in the Superior Court of the county in
41 which he resides if he is a resident of New Jersey or in the Superior
42 Court of the county in which his application was filed if he is a
43 nonresident. The request for a hearing shall be made in writing
44 within 30 days of the denial of the application for a permit or
45 identification card. The applicant shall serve a copy of his request
46 for a hearing upon the chief of police of the municipality in which
47 he resides or the county sheriff of the county in which he resides, as
48 the case may be, if he is a resident of New Jersey, and upon the

1 superintendent in all cases. The hearing shall be held and a record
2 made thereof within 30 days of the receipt of the application for a
3 hearing by the judge of the Superior Court. No formal pleading and
4 no filing fee shall be required as a preliminary to a hearing.
5 Appeals from the results of a hearing shall be in accordance with
6 law.

7 e. Applications. Applications for permits to purchase a
8 handgun and for firearms purchaser identification cards shall be in
9 the form prescribed by the superintendent and shall set forth the
10 name, residence, place of business, age, date of birth, occupation,
11 sex and physical description, including distinguishing physical
12 characteristics, if any, of the applicant, and shall state whether the
13 applicant is a citizen, whether he is an alcoholic, habitual drunkard,
14 drug dependent person as defined in section 2 of P.L.1970, c.226
15 (C.24:21-2), whether he has ever been confined or committed to a
16 mental institution or hospital for treatment or observation of a
17 mental or psychiatric condition on a temporary, interim or
18 permanent basis, giving the name and location of the institution or
19 hospital and the dates of confinement or commitment, whether he
20 has been attended, treated or observed by any doctor or psychiatrist
21 or at any hospital or mental institution on an inpatient or outpatient
22 basis for any mental or psychiatric condition, giving the name and
23 location of the doctor, psychiatrist, hospital or institution and the
24 dates of the occurrence, whether he presently or ever has been a
25 member of any organization which advocates or approves the
26 commission of acts of force and violence to overthrow the
27 Government of the United States or of this State, or which seeks to
28 deny others their rights under the Constitution of either the United
29 States or the State of New Jersey, whether he has ever been
30 convicted of a crime or disorderly persons offense, whether the
31 person is subject to a restraining order issued pursuant to the
32 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
33 (C.2C:25-17 et seq.) prohibiting the person from possessing any
34 firearm, and other information as the superintendent shall deem
35 necessary for the proper enforcement of this chapter. For the
36 purpose of complying with this subsection, the applicant shall
37 waive any statutory or other right of confidentiality relating to
38 institutional confinement. The application shall be signed by the
39 applicant and shall contain as references the names and addresses of
40 two reputable citizens personally acquainted with him.

41 Application blanks shall be obtainable from the superintendent,
42 from any other officer authorized to grant a permit or identification
43 card, and from licensed retail dealers.

44 The chief police officer, county sheriff or the superintendent
45 shall obtain the fingerprints of the applicant and shall have them
46 compared with any and all records of fingerprints in the
47 municipality and county in which the applicant resides and also the
48 records of the State Bureau of Identification and the Federal Bureau

1 of Investigation, provided that an applicant for a handgun purchase
2 permit who possesses a valid firearms purchaser identification card,
3 or who has previously obtained a handgun purchase permit from the
4 same licensing authority for which he was previously fingerprinted,
5 and who provides other reasonably satisfactory proof of his identity,
6 need not be fingerprinted again; however, the chief police, the
7 county sheriff officer or the superintendent shall proceed to
8 investigate the application to determine whether or not the applicant
9 has become subject to any of the disabilities set forth in this
10 chapter.

11 f. Granting of permit or identification card; fee; term; renewal;
12 revocation. The application for the permit to purchase a handgun
13 together with a fee of \$2, or the application for the firearms
14 purchaser identification card together with a fee of \$5, shall be
15 delivered or forwarded to the licensing authority who shall
16 investigate the same and, unless good cause for the denial thereof
17 appears, shall grant the permit or the identification card, or both, if
18 application has been made therefor, within 30 days from the date of
19 receipt of the application for residents of this State and within 45
20 days for nonresident applicants. A permit to purchase a handgun
21 shall be valid for a period of 90 days from the date of issuance and
22 may be renewed by the issuing authority for good cause for an
23 additional 90 days. A firearms purchaser identification card shall
24 be valid until such time as the holder becomes subject to any of the
25 disabilities set forth in subsection c. of this section, whereupon the
26 card shall be void and shall be returned within five days by the
27 holder to the superintendent, who shall then advise the licensing
28 authority. Failure of the holder to return the firearms purchaser
29 identification card to the superintendent within the five days shall
30 be an offense under subsection a. of N.J.S.2C:39-10. Any firearms
31 purchaser identification card may be revoked by the Superior Court
32 of the county wherein the card was issued, after hearing upon
33 notice, upon a finding that the holder thereof no longer qualifies for
34 the issuance of the permit. The county prosecutor or county sheriff
35 of any county, the chief police officer of any municipality or any
36 citizen may apply to the court at any time for the revocation of the
37 card.

38 There shall be no conditions or requirements added to the form
39 or content of the application, or required by the licensing authority
40 for the issuance of a permit or identification card, other than those
41 that are specifically set forth in this chapter.

42 g. Disposition of fees. All fees for permits shall be paid to the
43 State Treasury if the permit is issued by the superintendent, to the
44 municipality if issued by the chief of police, and to the county
45 treasurer if issued by the judge of the Superior Court or the county
46 sheriff.

47 h. Form of permit; quadruplicate; disposition of copies. The
48 permit shall be in the form prescribed by the superintendent and

1 shall be issued to the applicant in quadruplicate. Prior to the time
2 he receives the handgun from the seller, the applicant shall deliver
3 to the seller the permit in quadruplicate and the seller shall
4 complete all of the information required on the form. Within five
5 days of the date of the sale, the seller shall forward the original
6 copy to the superintendent and the second copy to the chief of
7 police of the municipality in which the purchaser resides, except
8 that in a municipality having no chief of police, the copy shall be
9 forwarded to the superintendent. The third copy shall then be
10 returned to the purchaser with the pistol or revolver and the fourth
11 copy shall be kept by the seller as a permanent record.

12 i. Restriction on number of firearms person may purchase.
13 Only one handgun shall be purchased or delivered on each permit
14 and no more than one handgun shall be purchased within any 30-
15 day period, but this limitation shall not apply to:

16 (1) a federal, State, or local law enforcement officer or agency
17 purchasing handguns for use by officers in the actual performance
18 of their law enforcement duties;

19 (2) a collector of handguns as curios or relics as defined in Title
20 18, United States Code, section 921 (a) (13) who has in his
21 possession a valid Collector of Curios and Relics License issued by
22 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

23 (3) transfers of handguns among licensed retail dealers,
24 registered wholesale dealers and registered manufacturers;

25 (4) transfers of handguns from any person to a licensed retail
26 dealer or a registered wholesale dealer or registered manufacturer;

27 (5) any transaction where the person has purchased a handgun
28 from a licensed retail dealer and has returned that handgun to the
29 dealer in exchange for another handgun within 30 days of the
30 original transaction, provided the retail dealer reports the exchange
31 transaction to the superintendent; or

32 (6) any transaction where the superintendent issues an
33 exemption from the prohibition in this subsection pursuant to the
34 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).

35 The provisions of this subsection shall not be construed to afford
36 or authorize any other exemption from the regulatory provisions
37 governing firearms set forth in chapter 39 and chapter 58 of Title
38 2C of the New Jersey Statutes;

39 A person shall not be restricted as to the number of rifles or
40 shotguns he may purchase, provided he possesses a valid firearms
41 purchaser identification card and provided further that he signs the
42 certification required in subsection b. of this section for each
43 transaction.

44 j. Firearms passing to heirs or legatees. Notwithstanding any
45 other provision of this section concerning the transfer, receipt or
46 acquisition of a firearm, a permit to purchase or a firearms
47 purchaser identification card shall not be required for the passing of
48 a firearm upon the death of an owner thereof to his heir or legatee,

1 whether the same be by testamentary bequest or by the laws of
2 intestacy. The person who shall so receive, or acquire the firearm
3 shall, however, be subject to all other provisions of this chapter. If
4 the heir or legatee of the firearm does not qualify to possess or carry
5 it, he may retain ownership of the firearm for the purpose of sale for
6 a period not exceeding 180 days, or for a further limited period as
7 may be approved by the chief law enforcement officer of the
8 municipality or county sheriff of the county in which the heir or
9 legatee resides or the superintendent, provided that the firearm is in
10 the custody of the chief law enforcement officer of the
11 municipality, county sheriff or the superintendent during that
12 period.

13 k. Sawed-off shotguns. Nothing in this section shall be
14 construed to authorize the purchase or possession of any sawed-off
15 shotgun.

16 l. Nothing in this section and in N.J.S.2C:58-2 shall apply to
17 the sale or purchase of a visual distress signalling device approved
18 by the United States Coast Guard, solely for possession on a private
19 or commercial aircraft or any boat; provided, however, that no
20 person under the age of 18 years shall purchase nor shall any person
21 sell to a person under the age of 18 years a visual distress signalling
22 device.

23 m. The provisions of subsections a. and b. of this section and
24 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not
25 apply to the purchase of firearms by a law enforcement agency for
26 use by law enforcement officers in the actual performance of the
27 officers' official duties, which purchase may be made directly from
28 a manufacturer or from a licensed dealer located in this State or any
29 other state
30 (cf: P.L.2016, c.74, s.1)

31

32 2. N.J.S.2C:58-4 is amended to read as follows:

33 2C:58-4. a. Scope and duration of authority. Any person who
34 holds a valid permit to carry a handgun issued pursuant to this
35 section shall be authorized to carry a handgun in all parts of this
36 State, except as prohibited by section 2C:39-5e. One permit shall
37 be sufficient for all handguns owned by the holder thereof, but the
38 permit shall apply only to a handgun carried by the actual and legal
39 holder of the permit.

40 All permits to carry handguns shall expire 2 years from the date
41 of issuance or, in the case of an employee of an armored car
42 company, upon termination of his employment by the company
43 occurring prior thereto whichever is earlier in time, and they may
44 thereafter be renewed every 2 years in the same manner and subject
45 to the same conditions as in the case of original applications.

46 b. Application forms. All applications for permits to carry
47 handguns, and all applications for renewal of such permits, shall be
48 made on the forms prescribed by the superintendent. Each

1 application shall set forth the full name, date of birth, sex,
2 residence, occupation, place of business or employment, and
3 physical description of the applicant, and such other information as
4 the superintendent may prescribe for the determination of the
5 applicant's eligibility for a permit and for the proper enforcement of
6 this chapter. The application shall be signed by the applicant under
7 oath, and shall be indorsed by three reputable persons who have
8 known the applicant for at least 3 years preceding the date of
9 application, and who shall certify thereon that the applicant is a
10 person of good moral character and behavior.

11 c. Investigation and approval. Each application shall in the
12 first instance be submitted to the chief police officer of the
13 municipality in which the applicant resides or to the county sheriff
14 of the county in which the applicant resides, or to the
15 superintendent, (1) if the applicant is an employee of an armored
16 car company, or (2) if there is no chief police officer in the
17 municipality where the applicant resides, or (3) if the applicant does
18 not reside in this State. The chief police officer, the county sheriff,
19 or the superintendent, as the case may be, shall cause the
20 fingerprints of the applicant to be taken and compared with any and
21 all records maintained by the municipality, the county in which it is
22 located, the State Bureau of Identification and the Federal Bureau
23 of Identification. He shall also determine and record a complete
24 description of each handgun the applicant intends to carry.

25 No application shall be approved by the chief police officer, the
26 county sheriff or the superintendent unless the applicant
27 demonstrates that he is not subject to any of the disabilities set forth
28 in 2C:58-3c., that he is thoroughly familiar with the safe handling
29 and use of handguns, and that he has a justifiable need to carry a
30 handgun. If the application is not approved by the chief police
31 officer, county sheriff or the superintendent within 60 days of
32 filing, it shall be deemed to have been approved, unless the
33 applicant agrees to an extension of time in writing.

34 d. Issuance by Superior Court; fee. If the application has
35 been approved by the chief police officer, county sheriff or the
36 superintendent, as the case may be, the applicant shall forthwith
37 present it to the Superior Court of the county in which the applicant
38 resides, or to the Superior Court in any county where he intends to
39 carry a handgun, in the case of a nonresident or employee of an
40 armored car company. The court shall issue the permit to the
41 applicant if, but only if, it is satisfied that the applicant is a person
42 of good character who is not subject to any of the disabilities set
43 forth in section 2C:58-3c., that he is thoroughly familiar with the
44 safe handling and use of handguns, and that he has a justifiable
45 need to carry a handgun. The court may at its discretion issue a
46 limited-type permit which would restrict the applicant as to the
47 types of handguns he may carry and where and for what purposes
48 such handguns may be carried. At the time of issuance, the

1 applicant shall pay to the county clerk of the county where the
2 permit was issued a permit fee of **【\$20.00】** \$20.

3 e. Appeals from denial of applications. Any person aggrieved
4 by the denial by the chief police officer, the county sheriff or the
5 superintendent of approval for a permit to carry a handgun may
6 request a hearing in the Superior Court of the county in which he
7 resides or in any county in which he intends to carry a handgun, in
8 the case of a nonresident, by filing a written request for such a
9 hearing within 30 days of the denial. Copies of the request shall be
10 served upon the superintendent, the county prosecutor and the chief
11 police officer of the municipality or the county sheriff of the county
12 where the applicant resides, as the case may be, if he is a resident of
13 this State. The hearing shall be held within 30 days of the filing of
14 the request, and no formal pleading or filing fee shall be required.
15 Appeals from the determination at such a hearing shall be in
16 accordance with law and the rules governing the courts of this State.

17 If the superintendent, county sheriff or chief police officer
18 approves an application and the Superior Court denies the
19 application and refuses to issue a permit, the applicant may appeal
20 such denial in accordance with law and the rules governing the
21 courts of this State.

22 f. Revocation of permits. Any permit issued under this
23 section shall be void at such time as the holder thereof becomes
24 subject to any of the disabilities set forth in section 2C:58-3c., and
25 the holder of such a void permit shall immediately surrender the
26 permit to the superintendent who shall give notice to the licensing
27 authority.

28 Any permit may be revoked by the Superior Court, after hearing
29 upon notice to the holder, if the court finds that the holder is no
30 longer qualified for the issuance of such a permit. The county
31 prosecutor or county sheriff of any county, the chief police officer
32 of any municipality, the superintendent or any citizen may apply to
33 the court at any time for the revocation of any permit issued
34 pursuant to this section.

35 (cf: P.L.1981, c.135, s.1)

36
37 3. This act shall take effect on the first day of the fourth month
38 next following enactment.
39
40

41 STATEMENT

42
43 This bill provides county sheriffs with the authority to issue
44 firearms purchaser identification cards and permits to purchase
45 handguns, and provides them with authority to accept applications
46 for permits to carry handguns.

47 Under current law, a State resident applying for a firearms
48 purchaser identification card or a permit to purchase a handgun

1 must make such application to the chief law enforcement officer of
2 an organized full-time police department of the municipality where
3 the applicant resides or the Superintendent of State Police if the
4 municipality does not have a full-time police force. Out-of-State
5 residents must make application to the superintendent. The chief
6 law enforcement officer, or superintendent, as the case may be, is
7 tasked with taking fingerprints and initiating a criminal history
8 records check on the applicant. Upon completion of the
9 background investigation, the applicant is issued the identification
10 card or permit by the chief law enforcement officer or
11 superintendent. Under the provisions of this bill, county sheriffs
12 are granted the same authority for State residents.

13 In the instance of an application for a permit to carry a handgun,
14 the initial application process is similar under current law. An
15 applicant must make application to the chief law enforcement
16 officer of an organized full-time police department of the
17 municipality where the applicant resides or the Superintendent of
18 State Police if the municipality does not have a full-time police
19 force. Out-of-State residents and employees of armored trucks must
20 make application to the superintendent. Upon approval of the
21 application by the chief law enforcement officer, or superintendent,
22 the Superior Court issues the permit. The bill provides county
23 sheriffs with the authority to accept, investigate and approve or
24 deny permit to carry applications for State residents.